

**REPORT TO THE DEVELOPMENT CONTROL COMMITTEE** Report No.

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| <b>Date of Meeting</b>     | <b>25<sup>th</sup> June 2008</b>   |
| <b>Application Number</b>  | <b>08/00581/LBC and 08/00586/FUL</b>   |
| <b>Site Address</b>        | <b>Chequers, Market Place, Box</b>   |
| <b>Proposal</b>            | <b>Repair Burnt out Garage to Provide Ancillary Residential Accommodation; Construct Underground Store; Disabled Access Link Path; Replacement Boiler and Flue; Alterations (Resubmission of 07/03313/LBC)</b> |
| <b>Applicant</b>           | <b>Mr I Bentley</b>  |
| <b>Town/Parish Council</b> | <b>Box</b>   |
| <b>Grid Ref</b>            | <b>382674 168579</b>   |
| <b>Type of application</b> | <b>Full application and Listed Building Consent (Amended Applications)</b>   |

**Reason for the application being considered by Committee**

These applications were reported to Committee at the meeting on 14.5.2008 in a scheme which included an underground garage. A decision was deferred to enable officers to negotiate replacement of the underground garage with an underground store, and also to initiate arrangements for a legal agreement in respect of the ancillary accommodation. The applicant has now agreed to these requests.

**Summary of Report**

The Chequers is a Grade II listed building. It occupies a site with land rising steeply to the rear, and consequently the land is highly prominent within Box Conservation Area. These applications have been amended since previously referred to committee and now propose to convert a badly fire-damaged garage to provide a 2-storey ancillary residential unit; to form an underground store within the garden area; to undertake drainage works to the rear of the building with associated engineering operations to lower the ground levels, landscape and provide disabled access to the garden and car park area; and to reposition a boiler and associated flue within the listed building.

It is considered the main issues are:

- Effect of the proposals on the appearance and character of the listed building and curtilage-listed buildings, and their settings
- Impact on the Conservation Area
- Effect of proposals on highway safety, access turning and car parking
- residential amenity of existing properties
- Design and scale of the development
- Impact on traffic and parking in the local area

**Officer Recommendation**

Recommendation in respect of 08/00581/LBC:

Subject to the receipt of accurate drawings, in respect of the proposed underground store, the applicant be invited to enter a Section 106 Agreement in respect of the ancillary accommodation following completion of which the Development Control Manager be authorised to GRANT consent.

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| <b>Contact Officer</b> | Judy Enticknap | 01249 706660 | jenticknap@northwilts.gov.uk |
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### **Proposal and Site Description**

The Chequers is a Grade II listed building within Box Conservation Area. It occupies a site with land rising steeply to the rear (north) and consequently the land is highly prominent within Box Conservation Area. The property is set into the ground to the rear, such that rear ground floor areas (formerly used as beer cellar/storage) are effectively at basement level.

#### Disabled Access and Engineering Works Associated with Drainage Works:

This property has been the subject of a series of unauthorised works in recent years. In September 2007, your officers made site inspections in response to complaints that unauthorised engineering operations were being carried out, including substantial lowering of ground levels to the rear of the building. The applicant argued that the works were necessary to improve the land drainage and address problems of moisture penetration through the back wall of the listed building, but also explained that the work was to improve disabled access to the rear of the property. The application includes proposals to formalise this work, together with associated reinstatement and landscaping works.

Currently, the ground level has been lowered by a 1/2m adjacent to the building grading back to in excess of 2m within the garden. In order to undertake the proposed drainage works, the land would be lowered further. The ground level would then be "reinstated", with hard surfacing introduced to form the proposed disabled access from the side of the property to the upper garden level. The area immediately to the rear of the property would be mainly laid to hard surfacing, with mounds of planting to soften its appearance; and a further range of steps parallel to the rear elevation to provide disabled access to the upper garden area. Adjacent to the north east corner of the building the hard surfacing will be c1m below the currently- lowered position, grading upwards to the north west corner of this lowered area, from where it links with the steps providing the disabled access to the garden. Some soil will be mounded against the building (the finished level being roughly at the current soil height) and adjacent to the hard surfaced area.

The architect has given an assurance that a structural engineer will be employed to provide the detailed design solutions where required (in particular relating to the drain(s) and manhole to the foundations of the building). Revised drawings have been submitted which show a small alteration to the landscaping works to the rear of the site. The architect has also confirm that "the actual width of the disabled path link which is to be hard surfaced will be 900mm and that all remaining areas will be formed to soft contours and turf".

#### Underground Garage:

Works noted by officers at the site inspection last year included levelling of the land at high level to the rear of the site to form a 4-vehicle car park area. This parking area is partially concealed from public view by a stone wall (nb permission for a parking area here had been granted in 1997, with railings surmounting the wall to conceal vehicles, but the application has lapsed). It is also separated from the garden by a 3.2m high stone wall; the garden level is about 1m higher than the original ground level of the land adjacent to the base of the stone wall, however this wall has been partially undermined – to a maximum of around 1m - by the ground levelling works to form the car park area

The original proposal was to construct a 2-vehicle underground garage within the garden area, with access through a 4.3m wide opening in the stone wall, concealed behind folding timber doors. Revised drawings have been submitted to show an underground storage area, with access through a 1.25m wide timber door. The store would have 1.9m headroom, with the finished ground level 100mm above this, which is the current garden ground level. There is an existing small area of decking, and it is proposed that decking would form the roof finish of the store with turf over the decking line. (NB the relative ground levels – and thus the positions of the garage opening – appear to be inaccurately reflected in the application drawings – and this implies a 1m discrepancy between the heights of the garage shown in section and the position of the folding garage doors on the elevation drawing).

### Converted Garage:

There is a 2-storey curtilage-listed garage/store, the west gable of which fronts directly onto Market Place with 1<sup>st</sup> floor access from the garden area. This structure has been badly damaged by fire, and earlier approvals to form tourist accommodation at 1<sup>st</sup> floor level, associated with the pub, have lapsed. These current applications include proposals to rebuild the structure, with the whole building used as ancillary residential accommodation. The stonework would be repaired, with timber cladding to the west gable - the ground floor of which would be recessed slightly so that the proposed front door would not emerge directly onto the street.

### Boiler Flue:

The listed building consent application also proposes to reposition a boiler to the 1<sup>st</sup> floor, with the flue emerging into the centre valley where it would be concealed from view. This alteration is proposed as a means of complying with a listed building enforcement notice which requires removal of a flue on the front elevation of the building.

The original drawings submitted with these applications were identical to drawings on applications 07.03313.LBC and 07.03314.FUL. Revised applications have been submitted to take account of the issues raised by your officers and Committee's comments. These comprise:

- removal of a proposed cupboard around the proposed boiler (which would have obscured a dressed stone blocked window);
- amendments to the design of the gable elevation of the proposed ancillary residential unit; and amendments to external detailing of joinery.
- parallel lines added to the drawings to indicate 1m height intervals (your officers asked for further clarification of existing and proposed finished levels across the site).
- Further information submitted, including method of lowering the ground levels adjacent the building and associated structural implications.
- additional soft landscaping adjacent to the main building, with the disabled ramp finished with timber risers and grass goings to reduce the area of hard surfacing a small alteration to the landscaping works to the rear of the site. The architect has also confirm that "the actual width of the disabled path link which is to be hard surfaced will be 900mm and that all remaining areas will be formed to soft contours and turf", and a plan has been annotated to this effect. The architect has also given an assurance that a structural engineer will be employed to provide the detailed design solutions where required (in particular relating to the drain(s) and manhole to the foundations of the building).
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- Replacement of the proposed underground garage with an underground store (as described above). Photographs were submitted prior to the previous meeting, which showed the proposed position of the opening in relation to the ground levels; these clearly show that it would be lower than the base of the existing wall.
- Annotations on drawings of the proposed underground store to show cobbles covering the exposed footings/soil below the wall.

| <b>Planning History</b>      |   |                                 |
|------------------------------|---|---------------------------------|
| Application number           | Proposal  | Decision                        |
| N.97.2442.F<br>N.97.2443.LB  | Conversion of Outbuildings into 2 no Tourist Units  | Approved                        |
| N.98.1915.F<br>N.98.1916LB   | Construction of Disabled Access   | Approved<br>Approved            |
| 01.00042COU<br>01.00403LBC   | change of use from licensed public house to residential accommodation; internal & external alterations associated with residential conversion                               | Refused and dismissed on appeal |
| 02.01344.COU<br>02.01343.LBC | partial change of use from public house to residential; internal alterations associated with part change of use   | Refused and dismissed on appeal |
| 02.02653.ENF                 | appeal against enforcement - various matters  | Appeal<br>Dismissed             |
| 04.01797.LBC                 | internal alterations comprising infilling of 3 doorways   | Withdrawn                       |
| 04.00233.APEN                | Appeal Against Enforcement - Works to a Listed Building without Listed Building Consent   | Appeal<br>dismissed             |
| 07.03313.LBC<br>07.03314.FUL | Repair Burnt Out Garage to Provide Ancillary Residential Accommodation; Construct Underground Garage; Disabled Access Link Path; Replacement Boiler & Gas Flue; Alterations | Refused                         |
| 07/03334.CLE                 | The Use of the Whole of the Property Known as The Old Chequers as a Single Dwelling   | Approved                        |

## Consultations

**Box Parish Council:** Response to original proposal:: Objections. The proposed work to garage would be detrimental to the Listed Building. No objections to other proposals. If granted, the accommodation must remain ancillary to the existing property. No comments received in response to the revised scheme.

**Wiltshire County Council Highways** Original response: point out that the spaces in the proposed underground garage would not be accessible when cars are parked in spaces 2-4, although there would be adequate parking. Re: annexe they have no objections provided it remains permanent ancillary accommodation to The Chequers, occupied by persons of the same household.

**Drainage Engineer: Original response:** Sought clarification on the existing surface water drainage system on site and requested further details of proposals of the proposed alterations – both on site and connections to mains drainage. Subject to a condition to ensure the submission and prior approval of detailed design solutions for drainage, with no increased discharge into the public sewer, considers the revised proposals to be acceptable.

## Representations

Original proposal:

43 letters of support received.

- the new garage will create extra parking and reduce pressure on roadside parking
- Drainage works will prevent further flood damage to the property
- Original garage wasn't suitable, this proposal is a good solution and will tidy up the site and enhance the area.

- Concern that NWDC has been persecuting the applicant and wasting tax payers' money
- Provision of disabled access will help the less physically able in the community.
- Relocated boiler will resolve the enforcement issue.

2 letters of objection received.

- There are multiple occupancy houses –including Chequers – in this area, which doesn't have adequate infrastructure to support further expansion
- It should be rebuilt to original condition.
- There is no need for underground parking

Impact of drainage works is unclear

No responses received to the amended applications.

## **Planning Considerations**

### Principle of development

When submitting a proposal affecting a listed building or its setting, or affecting the character of the conservation area, the applicant needs to be able to demonstrate why the scheme is considered to be necessary or desirable, and why it is not considered to harm the historic context.

### Impact on amenity

Apart from submitting amended plans, the architect has given an assurance that a structural engineer will be employed to provide the detailed design solutions where required (in particular relating to the drain(s) and manhole to the foundations of the building). Subject to appropriate conditions, this addresses the concerns that the drainage works may have a harmful impact on the public drainage system.

### Parking

The removal of the underground garage overcomes your officer's concern that this proposal will result in a net loss of parking; and that the need for this structure has not been demonstrated. In view of the inadequate parking within the area, it is considered essential that the new dwelling remains as ancillary accommodation and does not become a separate residential unit.

### Impact on Conservation Area

The proposed works to the fire-damaged building will benefit the appearance of the conservation area. The revised proposal comprising replacement of the proposed underground garage with an underground store, and thus alteration to the design of the door opening in the wall, will overcome your officer's concern that the works would have an adverse effect on the appearance of the conservation area.

### Impact on Listed Building

The amendment to the boiler position in the house will resolve one of the outstanding enforcement issues and benefit the appearance of the listed building, although it is considered essential to ensure that the blocked window remains fully visible. The revised scheme for the conversion of the garage is considered to benefit the curtilage-listed building.

The amended reinstatement/landscape proposals following the proposed drainage works to the rear of The Chequers, and in association with formation of the disabled access are considered acceptable in principle as a means of alleviating harm to the setting of the listed building.

The narrower door opening in the high-level wall is not considered to detract from its character or appearance, although more accurate drawings showing the precise alterations to the wall are still considered necessary (these can be the subject of a condition)

## Sustainability

Although it is still considered that the underground store will effectively sterilise that area of the site – reducing the area for water run-off- the area affected has been halved, and on balance it is felt this can be accepted..

## Section 106 Agreement

The agent has sent an email to confirm that his client has agreed to enter into a S106 Agreement to ensure that the ancillary accommodation remains in the same ownership as The Chequers.

## **Recommendation and Proposed Conditions/Informatives**

### **Recommendation in respect of 08/00586/FUL:**

Subject to the receipt of accurate drawings, the applicant be invited to enter a Section 106 Agreement in respect of the ancillary accommodation following completion of which the Development Control Manager be authorised to GRANT permission.

#### Informatives

1. The following policies of the Development Plan are relevant to this decision:-

North Wiltshire Local Plan 2011:- C3, HE1 and HE4

2. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

#### Plan References

Drwgs 427/SK//03A (Rev A1) received on 5.2.2008; drgs 427/SK/ 02B, 03B, 04B, 07A, 08B received on 15.4.2008; 427/SK01C, 05C, 06C and 09C received on 28.5.2008

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| <b>Appendices:</b>  | <b>None</b>  |
| <b>Background Documents Used in the Preparation of this Report:</b> | <b>1.20, 2.02, 3. , 4.02, 4.04, 4.07, 5.01, 5.03, 5.04, 6.03</b> |